

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

VICTOR VALLEY UNION HIGH SCHOOL
DISTRICT,

OAH CASE NO. 2012090744

VICTOR VALLEY UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012070653

ORDER DENYING REQUEST FOR
RECONSIDERATION OF ORDER
QUASHING SUBPEONA FOR
APPEARANCE OF ADMINISTRATIVE
LAW JUDGE CARLA L. GARRETT

On December 12, 2012, the Office of Administrative Hearings (OAH) issued an order quashing Student's subpoena for the appearance of Administrative Law Judge (ALJ) Carla L. Garrett to testify at the hearing in this matter. On December 17, 2012, Student filed an objection to OAH's order, which is being treated as a motion for reconsideration of the order.

APPLICABLE LAW

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

Student alleges no new facts or law in support of the request for reconsideration. Student asserts that ALJ Garrett is a material witness to Student's alleged denial of a free and appropriate public education, has knowledge of Student's services, and made decisions

affecting his ninth grade school year. As found in the order quashing Student's subpoena, there is no known circumstance by which ALJ Garrett's testimony would be relevant in this proceeding. Accordingly, Student's request for reconsideration is denied.

Dated: December 21, 2012

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings